

Appl. No. 09/927,178
Amdt. dated April 3, 2006
Reply to Office Action of December 29, 2005

Atty. Ref. 81800.0163
Customer No. 26021

Remarks/Arguments

Reconsideration of this application is requested.

Extension of Time

A request for a one month extension of time for response to the final Action mailed on December 29, 2005 is enclosed. The extended period for response expires on April 29, 2006.

Claim Status

Claims 1-5 and 7-21 are pending. Since no claims are amended, added or canceled, a listing of claims is not required under 37 CFR 1.121.

Claim Rejections - 35 USC 102

Claims 1-5, 7-17 and 19-21 are rejected under 35 USC 102(b) as anticipated by Ishikawa (US 5,726,768). Because applicant believes that the Examiner has misinterpreted the disclosure of Ishikawa, applicant traverses these rejections and submits that the final rejections of claims 1-5, 7-17 and 19-21 should be withdrawn.

Independent claims 1 and 11 recite a control unit that:

“...closes the circuit by the network control unit to make acceptance of an incoming call impossible as long as the recording unit fails to operate...” and

In discussing Ishikawa, with respect to claims 1 and 11, the Action first notes that Ishikawa discloses “a network control unit (Fig. 2, NCU 2-5) for closing and releasing a circuit”. Fig. 2 is a block diagram of facsimile control unit 1-1, which is a sub-component of facsimile apparatus 1-0 (Fig. 1). As shown in Figs. 1 and 2, facsimile control unit 1-1, via NCU 2-5, is connected to a communication line. Ishikawa states at col. 3, lines 27-28, that “NCU 2-5 is provided for controlling a connection of a communication line”. Thus, NCU 2-5, within facsimile control unit 1-1, controls connection of a communication line.

Continuing its discussion of Ishikawa, with respect to the above-noted limitation of claims 1 and 11, the Action asserts that Ishikawa discloses “a control

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unit (Fig. 2, CPU 2-1) which closes the circuit by the network control unit (Fig. 2, NCU 2-5) to make acceptance of an incoming call impossible as long as the recording unit fails to operate". In support of this assertion, the Action cites column 6, lines 33-36 of Ishikawa. Applicant strongly disagrees with this assertion, and submits that the Examiner has misinterpreted the disclosure of Ishikawa.

The passage relied on by the Examiner-column 6, lines 33-36-describes a control operation of CPU 4-1, which is located within data converting unit 1-3. In this regard, applicant draws the Examiner's attention to the fact that data converting unit 1-3, in which CPU 4-1 is contained, is a *completely separate and different component* from facsimile control unit 1-1, in which CPU 2-1 and NCU 2-5 are contained. In the cited passage, after data converting unit 1-3 receives a data transferring request from host computer 1-5, CPU 4-1 checks whether printing unit 1-4 can print. As described at col. 3, lines 14-15, host 1-5 is a computer, such as a personal computer. If CPU 4-1 determines that printing unit 1-4 cannot print, it informs host computer 1-5 that it is unable to accept the data transferring request and finishes the data communication.

There is no disclosure, in this passage or elsewhere in Ishikawa, to support the Examiner's assertion that CPU 2-1 controls NCU 2-5 to close the communication circuit to make acceptance of an incoming call impossible as long as printing unit 1-4 fails to operate. Rather, Ishikawa merely discloses that CPU 4-1 informs a host computer 1-5 that it cannot accept a data transfer request when it determines that printing unit 1-4 cannot print. There is absolutely no disclosure in this regard, or any suggestion, that any action is taken by CPU 2-1, NCU 2-5, or any other component, to close the telephone line to incoming calls until printing unit 1-4 is operational. The described communication is between data converting unit 1-3, host computer 1-5 and printing unit 1-4, and does not mention or involve facsimile control unit 1-1 or the communication line to which NCU 2-5 within facsimile control unit 1-1 is attached.

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Independent claims 1 and 11 also assert that, when the communication circuit is closed due to failure of the recording unit, the control unit:

“...releases the circuit temporarily by the network control unit in the case of an outgoing facsimile transmission.”

First, applicant notes that since Ishikawa does not disclose closing the communication circuit as long as the recording unit fails to operate, by implication, it also cannot disclose a temporary release of this state for an outgoing facsimile transmission. Nevertheless, the Examiner cites two passages of Ishikawa as corresponding to this claim element: column 26, line 59 to column 27, line 20 (with respect to claim 1) and column 16, line 56 to column 17, line 32 (with respect to claim 11). Neither of these passages bears any relevance to applicant's claimed feature by which a communication circuit, closed so long as the recording unit fails to operate, is temporarily opened to allow an outgoing facsimile transmission.

Column 26, line 59 to column 27, line 20 is concerned with *the output of facsimile report data*. Applicant fails to understand how this has any relation to temporary release of a circuit to allow an outgoing facsimile transmission when the circuit is otherwise closed until the recording unit is operational. In the cited passage, there is no mention or discussion of the state of the communication line or control thereof by NCU 2-5, or of printer (recording unit) 1-4.

Col. 16, line 56 to col. 17, line 32 is concerned with transferring/printing control by CPU 2-1 *when a page of image data is received*. This passage is concerned with the printing of incoming transmissions, and has nothing to do with the temporary release of a closed communication line to allow an outgoing facsimile transmission. This passage is notable, however, in that it discusses the action taken by CPU 2-1 in the event of a printer error (step S2103). As described, printer errors merely affect whether CPU 2-1 transfers images to printer 1-4 to be printed. There is no disclosure here or elsewhere that a printer error or failure causes a control unit to close the communication line to incoming faxes.

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Thus, Ishikawa completely fails to disclose two critical elements of independent claims 1 and 11. Since Ishikawa does not disclose (or suggest) each and every element of claims 1 and 11, it cannot anticipate those claims or claims 2-5, 7-10, 12-17 and 19-21 dependent thereon. The rejections under 35 USC 102(b) should be withdrawn.

Claim Rejections - 35 USC 103

Claim 18, which depends from claim 11, is rejected under 35 USC 103(a) as obvious over Ishikawa in view of Kawai (US 5,778,279). Claim 18 recites judging whether the recording unit is non-operable on the basis of the rotating time of a photoconductive drum. Kawai is cited for its relevance to the rotation time of a photoconductive drum, and does remedy the deficiencies of Ishikawa with respect to closing the communication line so long as the recording unit is in a failed state. Moreover, applicant notes that the cited passage of Kawai (col. 6, lines 39-56) discusses using cumulative rotation time of a photoconductive drum 21 as a factor in estimating the wear amount of a photoconductive layer. It is not used to judge whether the recording unit itself is non-operable.

Conclusion

For these reasons, this application is believed to be in condition for allowance. The examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
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